

**GOVERNMENT OF TELANGANA
ABSTRACT**

Mines & Quarries – Disposal of minor minerals generated during excavation by Government Engineering Departments – Amendments to the Telangana Minor Mineral Concession Rules, 1966 – Notification – Issued.

INDUSTRIES AND COMMERCE (MINES-I) DEPARTMENT

G.O.MS.No. 6

Dated: 08/02/2016

Read the following:

1. G.O.Ms.No.1172, Industries (B-1) Dept., dated 04-09-1967.
2. G.O.Ms.No.22, Industries Dept., dated 25-01-1968.
3. G.O.Ms.No.226, Industries &Commerce Department, dt:25-03-1977.
4. G.O.Ms.No.55, Industries &Commerce Department, dt:26-08-2015.
5. From the Director of Mines & Geology, Hyderabad
Letter No.4249/P/2015, dated 04.12-2015
6. From the Director of Mines & Geology, Hyderabad
Letter No.7046/MR/2015, dated:31-12-2015.

ORDER:

In the reference 1st to 3rd read above as per the powers delegated under Section 15 of Mines and Minerals (Development and Regulation) Act, 1957 orders have been issued for notification of the Andhra Pradesh Minor Mineral Concession Rules, 1966 for grant of prospecting licenses or quarry leases or other mineral concessions in respect of minor minerals and for purposes connected therewith.

2. In the G.O. at reference 4th read above, orders have been issued as per Section 101 of Andhra Pradesh Reorganization Act, 2014 for adapting the Andhra Pradesh Minor Mineral Concession Rules, 1966 by the Telangana State referred to as A.P. State Minor Mineral Concession Rules, 1966 (Telangana Adoption) Orders, 2015.

3. For implementation of major projects by Government Engineering Departments including the works such as excavation of canals, tunnels, laying of pipeline, cutting of hillocks for ways/roads, etc., resulting in generation of minor minerals such as building stone and road metal referred to as rock spall, morrum/gravel/ordinary earth, etc. Proper guidelines are required for disposal of these minor minerals for land restoration, conservation and as generation of revenue to the local bodies in the form of seigniorage fee and other taxes. Though, the Irrigation & Command Area Development Department issued certain guidelines for disposal of minor minerals generated during excavation of irrigation projects, but it is not giving results as anticipated. Moreover, there are other Government Departments involved in allied activity and a comprehensive mechanism shall be evolved to have timely reclamation of land with effective regulatory system.

4. In the references 5th and 6th read above, the Director of Mines and Geology has suggested a mechanism for disposal of minor minerals generated during excavation by the Government Engineering Departments.

5. The matter has been examined in consultation with the Finance (Works & Projects) Department and, it is decided to amend the Telangana Minor Mineral Rules, 1966 suitably with certain modifications for effective implementation of the mechanism for disposal of minor minerals generated during excavation.

[P.T.O]

6. Accordingly, the Government, after careful examination of the matter and as per the powers delegated under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 hereby issue the amendments to the Telangana Minor Mineral Concession Rules, 1966 for regulation of minor minerals generated during the excavation of major projects by Government Engineering Departments and the purposes connected therewith.

7. This order issues with the concurrence of Finance (Work and Projects) Department vide their U.O. No.1392/85/WP/A2/2015, dated: 28.12.2015.

8. The following Notification shall be published in the Extraordinary Issue of Telangana State Gazette dated the 9th February, 2016.

NOTIFICATION

In exercise of the powers conferred by Section 15(1) of Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Telangana hereby issues the following amendments to the Telangana Minor Mineral Concession Rules, 1966.

AMENDMENTS

1. In the said rules, after Rule 10-B the following shall be inserted namely:-

10-C. (1) Utilization of excavated minor minerals by Government Engineering Departments:

The Government Engineering Departments engaged in execution of major projects involving work such as excavation of canals, tunnels, laying of pipeline, cutting of hillocks for ways/roads, etc,:

- (i) Shall prepare action plan in advance earmarking land for separate stacking of excavated material by the excavation agency generated during digging and evaluate the rate of stacking and watch and ward for providing in respective estimates and to incorporate necessary conditions in bid document.
- (ii) After completion of excavation, shall work out the mineral-wise quantities excavated basing on measurements recorded in the Field Measurement Book alongwith anticipated Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable as per the prevailing rates.
- (iii) Being the responsibility of the Government Engineering Department involved in excavation, safeguard the excavated material by incorporating appropriate provisions in the tender document for excavation till its disposal or to make alternative arrangement for watch and ward of excavated materials if it is not disposed before the completion of excavation work by the executing agency.
- (iv) The availability of miner minerals alongwith details of quantity and location shall be uploaded as e-procurement by the Government Engineering Department involved in excavation in the respective web portal of all Government Engineering Departments/Public Sector Undertakings.
- (v) If the excavated minor minerals are required by more than one Government Engineering Departments, the Department involved in excavation work shall permit Government Engineering Department-wise lifting and transporting subject to payment of Seigniorage Fee, Sales Tax, Income Tax and any other such statutory taxes.

- (vi) The Government Engineering Departments implementing G.O.Ms.No.94 Irrigation and Command Area Development Department dated 01-07-2003, shall produce a certificate on the recovery of the amounts and submit it to the Government Department involved in excavation, as evidence.
- (vii) The Government Department involved in excavation shall furnish the details of Seigniorage Fee, Sales Tax, Income Tax realized from the Government Engineering Departments after lifting of excavated minor minerals to the concerned Assistant Director of Mines and Geology, Commercial Tax and Income Tax Depts.

(2) Disposal of excavated minor minerals to agencies other than Government Engineering Departments:

To have effective implementation mechanism for the disposal of dug out mines and minerals, the Department of Mines and Geology shall make information available on web portal service for the said purpose (Similar to that of services of MSTC) of its own or Telangana State Mineral Development Corporation so that:

- (a) All Engineering Departments will upload the data on availability minerals giving details such as type of material, quantity, location, co-ordinates etc.,
- (b) Needy Departments/agencies can make requisitions online.
- (c) Priority will be given to Government Departments/Public Sector Undertakings.
- (d) If there is no requisitions from Government Departments upto a certain reasonable date limit, then can go for e-auction.
- (e) After considering requisition, net quantity available from time to time may be displayed in the online portal for further disposal.

2. If there is no requirement for utilization of excavated minor minerals from Government Engineering Departments upto a certain reasonable date limit, the Government Department involved in excavation shall furnish the details to the Assistant Director of Mines & Geology concerned duly giving the location, minor mineral-wise quantities, etc., for issue of online notification on the availability of minor minerals, calling for e-applications indicating the base price arrived by sum total of Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable with 20 percent of base price as Earnest Money Deposit and challan for Rs.5000/- (Rupees five thousand only) under 0853-102-81 other receipts, towards non-refundable processing fee within the date & time prescribed in the e-notice for e-allocation on first-cum-first serve basis.

- (i) After the closing date & time of receipt of e-applications, the Assistant Director of Mines & Geology concerned shall e-allot the disposal to the first applicant or to the sole applicant in case of single application if it is for entire quantity subject to payment of Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable within (15) days from the date of allotment.
- (ii) If there is more than one e-application quoting part quantity of minor minerals for lifting, the Assistant Director of Mines & Geology shall accord separate e-allotment to each applicant on first-cum-first basis and shall ensure that the entire quantity of excavated minor minerals is disposed.

- (iii) The Earnest Money Deposit of the e-allottee(s) who fail to pay Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable on e-allotment within (15) days shall be forfeited to the Government and the disposal shall be allotted to subsequent e-applicant(s).
 - (iv) The Earnest Money Deposit of e-applicants other than e-allottee shall be refunded after payment of Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable by the e-allottee(s).
 - (v) The Assistant Director of Mines & Geology shall issue permit alongwith transit forms to the e-allottee(s) under intimation to the Government Department involved in excavation.
 - (vi) If any e-allottee leaves minor minerals un-lifted from the excavated dumps, the Assistant Director of Mines & Geology in consultation with the Government Department involved in excavation shall re-initiate of e-notice process calling for e-applications for lifting of the leftover minor minerals. The Earnest Money Deposit of such defaulter e-allottee shall be forfeited to the Government.
 - (vii) The Earnest Money Deposit of the e-allottee(s) shall be refunded by the Assistant Director of Mines and Geology on receipt of report on lifting of specified quantity of minor minerals from the Government Engineering Department involved in excavation.
 - (viii) Existing applicants also are eligible and their applications will be carried forward on e-allotment by the Department.
3. Provided that the disposal of rocks spall, morrum/gravel/ordinary earth in Scheduled Areas/Agency Areas shall be as per the norms prescribed under Panchayat Raj Extension of Services Act (PESA) and Rules made thereunder.
4. Provided further, that the excavation of canals, tunnels, laying of pipeline, cutting of hillocks for ways/roads, etc. by any agency other than any Government Engineering Department shall be after obtaining permission from the Assistant Director of Mines and Geology concerned and subject to payment of Seigniorage Fee, Sales Tax, Income Tax and any other taxes as applicable in advance as per the A.P. Minor Mineral Concession Rules, 1966 (Telangana Adoption) Order, 2015.
5. Provided also that, any excavation(s) carried-out prior to notification of these rules shall also be disposed by following the above procedure.
6. These orders shall come into force with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA STATE)

ARVIND KUMAR
SECRETARY TO GOVERNMENT & CIP

To,
The Commissioner of Printing, Stationary & Stores Purchase (Ptg. Wing)
Hyderabad. (He is requested to publish the above Notification in the
Extra-Ordinary issue of Telangana Gazette, and arrange to send 1000
copies of the same to Government in Industries & Commerce (M.I)
Department).

The Director of Mines and Geology, Telangana State, Hyderabad.
All the Joint Director/Deputy Director/Assistant Directors of Mines and
Geology through the Director of Mines and Geology, Hyderabad.
The Spl. Chief Secretary to Government, Finance Department.

The Prl. Secretary to Govt., Irrigation & Command Area Development Dept.
The Prl. Secretary to Govt., Transport, Road & Buildings Dept.
The Prl. Secretary to Govt., Panchayat Raj and Rural Development Dept.
The Prl. Secretary to Govt., General Administration Dept.
The Prl. Secretary to Govt., Home Department.
The Prl. Secretary to Govt., Municipal Admn. & Urban Development Dept.
The Prl. Secretary to Govt., Medical Health & Family Welfare Dept.
The Prl. Secretary to Govt., Tribal Welfare Dept.
The Prl. Secretary to Govt., Social Welfare Dept.
The Secretary to Govt., Marketing Dept.
The Secretary to Govt., Civil Supplies Dept.
The Secretary to Govt., Energy Dept.
The Commissioner, Hyderabad Metropolitan Development Authority, Hyd.
The Commissioner & Special Officer, Greater Hyderabad Municipal, Hyderabad.
All Universities in Telangana State.
The Director, Work & Accounts Department.

Copy to:

The P.S. to Hon'ble Minister for Mines and Geology.
The P.S. to Secretary to Government & CIP, Industries & Commerce Department,
The Industries and Commerce (Mines-II) Department.
The Finance Department.
The Law (A) Department
SF/Sc.(C. No.3969/M.I(1)/2015)

//Forwarded :: By Order//

SECTION OFFICER